Proposed H.B. No. 6497 In Favor

Commission On Child Protection

State of Connecticut

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Committee on Education
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Testimony of Carolyn Signorelli

Good Afternoon Senator Gaffey and Representative Fleischmann and distinguished Committee Members. Thank you for the opportunity to submit testimony regarding House Bill 6497 which I hope will be enacted swiftly. DCF, the State Department of Education, and others involved in child welfare, including myself, have already begun collaborating through a Task Force to Implement P.L. 110 – 351. This federal law was enacted in October of 2008 and requires that case plans and procedures to improve educational stability and outcomes for children in DCF care be implemented. It is important that the Connecticut legislature act to ensure this federal mandate is complied with in a timely manner.

Based upon the discussions and work of the Task Force, I would recommend the following changes to the first section of the bill as proposed:

Section 1. (NEW) (*Effective July 1, 2009*) (a) Notwithstanding any provision of the general statutes, any child in the care and custody of the Commissioner of Children and Families pursuant to an order of temporary custody or an order of commitment [may]shall, [if it is in the best interest of the child,] continue to attend the school such child attended prior to placement or change in placement, unless it is determined pursuant to subsection (b) of this Section that such continuation is not in the child's best interest. Subject to the provisions of section 4 of this act, such child shall be considered a resident of the school district in which such school is located during such attendance for purposes of chapters 168 to 170, inclusive, 172 and 173 of the general statutes.

(b) There shall be a presumption that it is in the best interest of the child to attend the school that the child attended prior to placement, or change in placement, by the Department of Children and Families. If [T]the department pursuant to an assessment of the child's circumstances and educational needs determines that it is not in the child's best interest to continue to attend his or her school at the time of placement or change in placement, the Department shall provide in writing to all parties the reasons for its decision regarding the educational placement of such child. If a party disagrees with the decision of the department, the party has 5 business days from the time of

notification of the Department's decision to request in writing an administrative hearing which shall be held within 15 days of the party's request. The hearing officer shall determine whether continuation in such school is in the child's best interest, and the child shall remain in such school until such determination is made. Any party that disagrees with the decision of the hearing officer may appeal the decision to the superior court for juvenile matters. If a party other than the Department believes that it would be in the child's best interest to change schools, that party may request an administrative hearing. Nothing in this statute is intended to establish primary jurisdiction in the Department over disputes regarding the educational interests of children in its custody who are the subject of juvenile court proceedings.

I have deleted the word "may" from subsection (a) and inserted the word "shall" in my proposed amendment because the application of the presumption that it is in the child's best interest to remain in his or her current school mandates that the child remain at the current school until such time as the parties agree or a hearing officer or court orders a change in schools. The amendments I have proposed to subsection (b) are based upon a tentative agreement reached by the Best Interest and Dispute Resolution Subcommittee of the Task Force to Implement P.L. 110-351 for a resolution process in the event there is disagreement among the parties regarding the child's educational placement. The last sentence of the proposed amendment addresses concerns expressed by some Task Force members that utilizing the administrative process initially could be interpreted as the intent to recognize educational issues in juvenile matters cases as subject to the Uniform Administrative Procedures Act.

If the State of Connecticut can successfully reduce the number of foster children who experience unnecessary and detrimental school transitions, as well as the number of school disruptions for those children who must change schools, it will have taken a significant step towards meeting the educational needs of foster children. If it is determined that it is in a child's best interest to change schools, the transition should be planned at natural times during the school year ensuring continuity of any IEP at the new school and the least amount of difficulty for the child.

When a child is removed from their home by the Department of Children and Families due to severe neglect or abuse, any pre-existing trauma is compounded by the removal. The child may be experiencing fear, anxiety, loneliness, guilt and confusion. For these children the structure, predictability and familiarity of their school and the continued contact with teachers, staff and friends are an important source of stability and comfort. In addition, the negative effect school changes, especially mid-term, have on children who may already be experiencing difficulty academically, behaviorally and emotionally on their educational progress and psychological well-being is immense.

Our child welfare and educational systems owe it to these children to not magnify their traumas and add to the obstacle they already face. Providing consistency of friendships, teachers, school routine and educational programming will help neglected and abused children cope with unavoidable changes in their custodial placement and achieve educational success.

I respectfully request that the Committee vote in favor of this bill and consider the amendments I have suggested.

Respectfully submitted,

Carolyn Signorelli